

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANKLIN GOMEZ,

Plaintiff,

-against-

WILLIAM FISHER; THE CITY OF NEW YORK,

Defendants.

x

USDC SDNY
DOCUMENT
ELCTRONICALLY FILED
DOCS
DATE: <u>10/21/16</u>

No. 14-cv-5932 (CM)

ORDER RELIEVING COUNSEL AND DENYING MOTION TO REOPEN

McMahon, J.:

On September 16, 2016, I granted Defendants' Motion to Dismiss the First Amended Complaint and granted in part and denied in part Plaintiff's Motion for Leave to File a Second Amended Complaint. On September 30, 2016, Plaintiff appears to have filed, without the aid of counsel, a Motion to Reopen. (Dkt. No. 69).

Via letter dated October 5, 2016, Plaintiff's counsel, James Magee, indicated to the Court that his client had indicated that he no longer wished Mr. Magee to represent him, and that Mr. Magee has subsequently made several unsuccessful efforts to turn over his case files to Plaintiff and have him execute an acknowledgement of withdrawal. The Court ordered Plaintiff and Mr. Magee to appear at a conference to determine whether withdrawal was appropriate.

At conference, it became apparent to the Court that that the attorney-client relationship has broken down irretrievably.

Although no formal motion to withdraw has been filed with the Court, I hereby relieve Mr. Magee effective immediately.

(Handed) faxed/handed to counsel on 10/21/16

Plaintiff has until January 10, 2017 to retain new counsel, or he will be required to continue litigating this case on his own. Plaintiff has until January 31, 2017, to file his Second Amended Complaint, pursuant to this Court's September 16, 2016 Order, limited to the § 1983 malicious prosecution claim relating to the November 2012 arrest. (Dkt. No. 68).

Plaintiff's Motion to Reopen is DENIED as moot.

The Clerk of the Court is directed to remove the motion at Docket No. 69 from the Court's list of active motions.

Dated: October 21, 2016



U.S.D.J.

BY ECF TO ALL COUNSEL
BY FIRST CLASS MAIL TO PRO SE LITIGANT